

City Council Agenda

Council President

Brad Castillo

Councilmembers

Tom Boyajian Brian Calhoun Mike Dages

City Manager

Daniel G. Hobbs

City Clerk
Rebecca E. Klisch, CMC

Jerry Duncan Henry T. Perea, Acting President Cynthia Sterling

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

NOVEMBER 30, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m.

8:30 A.M. ROLL CALL

Invocation (District 4)

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD DAYS" - Councilmember Dages

Recognition of the Parking Services Program Award for "Top Parking Program of the Year" - City Manager Hobbs

Presentation of the National Safe Place Award to Fresno Area Express (FAX) - Councilmember Sterling

Police Bomb Squad Rodeo Award - City Manager's Office

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of November 9, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda Action Taken:

Adopt Consent Calendar

Action Taken:

1. GENERAL CONSENT CALENDAR

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- **A. RESOLUTION** Of Intention to annex Tract No. 5247 to the Community Facilities District No. 2, Annexation No. 84 Public Works Dept.
 - Action Taken:
- **B. RESOLUTION** Of Intention to annex Parcel Map No. 2003-24 to the Community Facilities District No. 2, Annexation No. 85 Public Works Dept.
 - Action Taken:
- **C.** Approve the acquisition of a street easement from APN No. 328-150-36 for the Elm Avenue Improvement Project Public Works Dept.
 - Action Taken:
- **D.** Approve the sale of a surplus lot located at 2971 S. Martin Luther King Boulevard– Public Works Dept. *Action Taken:*
- **E. RESOLUTION** Authorizing the Director of Public Works to execute a Multi-City/Multi-County Public Works Mutual Aid Agreement– Public Works Dept. *Action Taken:*
- **F. RESOLUTION** Authorizing the application, acceptance, and execution of a Partnership Planning Grant and a community-based Transportation Planning Grant from the California Department of Transportation (Caltrans) Public Works Dept. **Action Taken:**

1. GENERAL CONSENT CALENDAR CONTINUED

- **G.** Approve an agreement between the Ponderosa Telephone Company (PTC) and the City to allow for the construction of a high-speed fiber optic cable to be located in certain designated portions of the public right-of-way Public Works Dept.
 - Action Taken:
- H. * RESOLUTION Approving the transfer of \$70,000 in Prop. 111 funds from the Herndon Canal Capital Project to the E-government Capital Projects for use in installing high-speed fiber optic cable Public Works Dept.

Action Taken:

- I. * Approve amendment to City of Fresno Non-Discrimination Policy Public Works Dept. Action Taken:
- J. * RESOLUTION 423rd amendment to MFS Resolution No. 80-420 to modify the Camp Fresno and Camp Fresno Jr. Fees Parks, Recreation and Community Services *Action Taken:*
- **K.** Approve extension of Grant Writer Program agreement Parks, Recreation and Community Services *Action Taken:*
- E. * RESOLUTION 44th amendment to AAR No. 2004-209 appropriating \$4,086,300 that includes an approved inter-agency loan, California Infrastructure and Economic Development Bank (I BANK) debt service, and Roeding Business Park Phase III Project costs (*Requires 5 affirmative votes*) Finance Department

Action Taken:

- M. * Award requirements contracts to BBL Cleanup Services of Fresno, Central Valley Mortgage Services of Porterville, California, S & A Farms of Fresno, and Sequoia Western Construction of Fresno for weed abatement and/or nuisance abatement General Services Dept./Planning & Development Dept. Action Taken:
- N. * Award a contract to Kaweah Construction Company of Fresno for headworks crane installation at the Fresno-Clovis Regional Wastewater Reclamation Facility General Services Dept./Dept. of Public Utilities

Action Taken:

- O. Amend agreement with Hansen, Inc., to increase software seat licensing and provide software integration services Dept. of Public Utilities
 - Action Taken:
- P. Approve Amendment No. 2 to agreement with Brown-Buntin Associates, Inc., for acoustic engineering consultant services to design and monitor acoustic treatment of an additional 26 homes for the Fresno Yosemite International (FYI) Airport FAR PART 150 Noise Compatibility Residential Acoustic Treatment Program, locally known as the SMART Program under the Federal Aviation Administration (FAA) Airport Improvement Project (AIP) Grant No. 3-06-0087-36 Airports Department Action Taken:
- **Q.** Approve a Professional Services Agreement with Carter Burgess, Inc., for design to rehabilitate/reconstruct various taxiways at Fresno Yosemite International Airport (FYI) under Federal Aviation Administration (FAA) AIP Grant No. 3-06-0087-46 Airports Department **Action Taken:**
- **R. RESOLUTION** Approving the Final Map of Tract No. 5262 and accepting dedicated public uses therein; authorize Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents Planning and Development Dept. **Action Taken:**

1. GENERAL CONSENT CALENDAR CONTINUED

S. Approve HOME Program agreement for \$300,000 between the City and Alvis Projects, Inc., for the construction of six single-family affordable homes as part of the City's Green Building Demonstration Project – Planning and Development Dept.

Action Taken:

T. Approve appointment of Jim Tate Hill to the Edison Merger II Project Area Planning Advisory Committee – Councilmember Sterling

Action Taken:

- U. * RESOLUTION Approve agreement with the State of California Caltrans Department of Transportation in the amount of \$750,000 for construction of conduit and fiber optic cable on State Route 99 from Grantland Avenue to El Dorado Street – Public Works Dept.
 - Action Taken:
 - 1. * **RESOLUTION** 46th amendment to AAR No. 2004-209 appropriating \$750,000 for construction of conduit and fiber optic cable on State Route 99 (*Requires 5 affirmative votes*)

Action Taken:

- V. Consideration of Zoning Ordinance Text Amendment No. TA-03-02 Planning and Development Dept.
 - BILL -(For introduction) Amending the Fresno Municipal Code relating to second dwellings on single family zoned lots and streamlining the process to refer special permits to Council

Action Taken:

- W. BILL (For introduction) Amending Section 2-3210(c) of the Fresno Municipal Code, regarding parking, stopping, standing and adherence to signs and curb markings at the Fresno Yosemite International Airport (FYI) Airports Department Action Taken:
- X. BILL (For introduction) Adding Subsection (d) to Section 13-1200.800 of the Fresno Municipal Code, relating to posting placards on dangerous buildings for firefighter safety Fire Dept. Action Taken:
- Y. BILL (For introduction) Amending Subsection (b) of Section 9-804 of the Fresno Municipal Code, regarding designating violations of the Fresno Fire Code and public nuisances Fire Dept. Action Taken:
- Z. * BILL NO. B-121 (Intro. 11/9/04) (For adoption) Amending Subsection 11-226 (d) and Subsection 11-226 (f) (9) of the Fresno Municipal Code relating to charges and reimbursements related to traffic signal UGM fees Public Works Dept. Action Taken:

2. GENERAL ADMINISTRATION

- **A. BILL** *(For introduction)* Adding Subsection 25 to Section 8-401 of the Fresno Municipal Code, relating to prohibiting smoking in parks Parks, Recreation and Community Services *Action Taken:*
- **B.** Approve amendment to Section 3-1 (Compensation) of existing agreement between the City of Fresno and Renee V. Mayne, a sole proprietorship for labor negotiation services Personnel Dept. *Action Taken:*
- C. Direction regarding selection process for the City's appointments to the Board of Directors for the non-profit corporation to operate Chaffee Zoological Gardens City Manager's Office *Action Taken:*
- Reject all bids for Dickey Playground-Youth Development Center General Services Dept./Public Works Dept.
 Action Taken:

3. CITY COUNCIL

- **A. RESOLUTION -** Limiting expansion of the Chaffee Zoo within Roeding Park Councilmember Dages *Action Taken:*
- B. Discussion regarding hiring department directors and senior executive staff Councilmember Calhoun
 - 1. Receive presentation from City Manager explaining the process and rationale for selection of Parks Director followed by Council discussion

Action Taken:

- 2. Direct City Attorney to work with City Manager and Personnel Department staff and to return to Council with:
 - **a.** survey information and analysis regarding other Cities' hiring process for department directors and senior executive staff, and/or
 - **b.** a draft ordinance that sets procedures for the recruitment and hiring of department directors and senior executive staff

Action Taken:

C. Receive information from Finance Staff regarding City Loan Collection Program followed by Council discussion and direction – Councilmember Calhoun

Action Taken:

D. Direct City Attorney to amend Mobile Vendor Ordinance – Acting President Perea and Councilmember Dages

Action Taken:

E. Request status report from Public Works Department on District 7 Paving Project encompassing the area between Blackstone/Shaw/Barstow/Maroa Avenues – Acting President Perea *Action Taken:*

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda. Presentation limited to three (3) minutes:

A. SCHEDULED PUBLIC COMMENT -

1. Appearance by Sherrill Amey to discuss posted pedestrian crossing signs, sanitation and street sweeping services, bus stops, threats received by Edison High School students, and various other issues

Action Taken:

2. Appearance by James Mitchell from Medical Cannabis Cooperative of Fresno, to discuss Ordinance No. 2004-112, relating to medical marijuana dispensaries

Action Taken:

a. Appearance by Richard D. Runcie, Attorney at Law, to discuss medical marijuana dispensary ordinance and issues pertaining to preemption of the local ordinance by the broader state law

Action Taken:

B. UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

10:00 A.M. HEARING regarding Community Facilities District No. 2, Annexation No. 81, Final Tract Map No. 5258 – Public Works Department

Action Taken:

- **a. RESOLUTION** Annexing territory to Community Facilities District No. 2, Annexation No. 81, Final Tract Map No. 5258 and authorizing the levy of a special tax
 - Action Taken:
- **b. RESOLUTION** Calling a special mailed-ballot election
 - Action Taken:
- c. **RESOLUTION** Declaring election results
 - Action Taken:
- d. * BILL Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 81, Final Tract Map No. 5258

Action Taken:

10:05 A.M. HEARING regarding Community Facilities District No. 2, Annexation No. 82, Final Tract Map No. 5295 – Public Works Department

Action Taken:

- **RESOLUTION** Annexing territory to Community Facilities District No. 2, Annexation No. 82, Final Tract Map No. 5295 and authorizing the levy of a special tax
 - Action Taken:
- **b. RESOLUTION** Calling a special mailed-ballot election
 - Action Taken:
- c. **RESOLUTION** Declaring election results
 - Action Taken:
- d. * BILL Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 82, Final Tract Map No. 5295

Action Taken:

10:10 A.M. HEARING regarding Community Facilities District No. 2, Annexation No. 83, Final Tract Map No. 5237 – Public Works Department

Action Taken:

- **a. RESOLUTION** Annexing territory to Community Facilities District No. 2, Annexation No. 83, Final Tract Map No. 5237 and authorizing the levy of a special tax
 - Action Taken:
- **b. RESOLUTION** Calling a special mailed-ballot election
 - Action Taken:
- c. **RESOLUTION** Declaring election results
 - Action Taken:
- d. * BILL Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 83, Final Tract Map No. 5237

Action Taken:

10:15 A.M. CONTINUED HEARING regarding Community Facilities District No. 2, Annexation No. 77, Final Tract Map 5370 – Public Works Department

Action Taken:

- **a. RESOLUTION** Annexing territory to Community Facilities District No. 2, Annexation No. 77, Final Tract Map No. 5370 and authorizing the levy of a special tax
 - Action Taken:
- **b. RESOLUTION** Calling a special mailed-ballot election
 - Action Taken:
- c. **RESOLUTION** Declaring election results
 - Action Taken:
- d. * BILL Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 77, Final Tract Map No. 5370

Action Taken:

10:20 A.M. HEARING to consider Rezone Application No. R-04-45 and environmental findings, filed by Vincent and Klythia Palmo, for the development of 4.58 acres of property located on the north side of W. McKinley Avenue between N. Woodson Avenue and State Route 99 ((*Property located in District 3*) - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-45, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
- **BILL** Amending the Official Zone Map to rezone the subject property from the C-M (Commercial and Light Manufacturing) zone district to the M-1 (Light Manufacturing) zone district

Action Taken:

10:30 A.M. HEARING to consider Plan Amendment Application No. A-04-07, Rezone Application No. R-04-18, and environmental findings, filed by Central Valley Land Development LLC, for the development of 58.5± acres of property located on the south side of W. Dakota Avenue between N. Polk and N. Hayes Avenues (*Property located in District 1*) - Planning and Development Dept.

Action Taken:

- **a.** Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment No. A-04-07/R-04-18/T-5316
- **b. RESOLUTION** Amending the 2025 Fresno General Plan and the West Area Community Plan
- **c. BILL** Amending the Official Zone Map to rezone the subject property from the County RR (Rural Residential) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

Action Taken:

10:45 A.M. HEARING to consider the "Boston Village" Condominium Conversion Application and Vesting Tentative Tract Map No. 5359/UGM, filed by Walter A. Melton, pertaining to 1.46 acres of property located on the north side of W. Herndon Avenue between N. Fruit and N. West Avenues) (*Property located in District 2*) - Planning and Development Dept. **Action Taken:**

- **a.** Consider and adopt Categorical Exemption for Environmental Assessment No. T-5359 **Action Taken:**
- **b. RESOLUTION** Approving Vesting Tentative Tract Map No. 5359 proposing the creation of a one common lot condominium map; and the conversion of the "Boston Village" multiple-family apartment complex into a condominium project. **Action Taken:**

11:00 A.M. HEARING to consider Rezone Application No. R-04-25, and environmental findings, filed by Union Community Holdings, for the development of 20 acres of property located on the west side of S. Temperance Avenue between E. Butler Avenue and E. Kings Canyon Road (*Property located in District 5*) - Planning and Development Dept. *Action Taken:*

- a. Consider and adopt Environmental Assessment No. T-5294/R-04-25, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

 Action Taken:
- b. BILL Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (Exclusive Twenty Acre Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district Action Taken:

2:00 P.M. #1 | CONTESTED CONSENT CALENDAR

2:00 P.M.#2 CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Government Code Section 54956.9, Subdivision (a)
 - 1. <u>Case Name:</u> Samuel L. Weiner v. Gillig Corporation, Lift-U-Inc., et al.
 - **Case Name:** City of Fresno v. United States (Bureau of Reclamation), CIV No. F-03-5359 OWW SMM

Action Taken:

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Government Code Section 54956.8
 - Property: Parcels at 800 "M" Street and 880 "M" Street
 Negotiating Parties: Andrew Souza and Daniel Hobbs; Ophelia Family Trust
 Under Negotiation: Price and terms of payment for purchase or lease of property
 Action Taken:

2:00 P.M.#3 CLOSED SESSION ANNOUNCEMENTS (IF ANY)

2:45 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of November 9, 2004 **Action Taken:**

- **A. CONTINUED JOINT HEARING** to consider approval and adoption of the following documents regarding Old Armenian Town Project:
 - 1. **RESOLUTION** Certifying Environmental Impact Report (EIR) SCH #2003051046 for the Old Armenian Town Project bounded by "O" Street, Ventura Street, "M" Street and Freeway 41 (*Agency action*)
 - 2. RESOLUTION Approving Master Disposition and Development Agreement and related summary report (Health and Safety Code Section 33433) for the sale and development of approximately 7.67 acres of land for the Old Armenian Town project bounded by "O" Street, Ventura Street, "M" Street and Freeway 41 within the Convention Center Redevelopment Project area (Council and Agency action)

 Action Taken:

ADJOURN AGENCY

3:00 P.M. CONTINUED CONSIDERATION of Planning Commission decision regarding Plan Amendment Application No. A-03-17 and related environmental finding (Roosevelt Community Plan amendment relating to 5 percent open space) (*Property located in Districts 3, 4, 5, 7*) **Action Taken:**

a. RESOLUTION – Amending the Roosevelt Community Plan (Plan Amendment Application No. A-03-17)

Action Taken:

- **3:15 P.M. HEARING** to consider adoption of:
 - a. **RESOLUTION** Amending the storm drainage and Flood Control Master Plan and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno and the Fresno Metropolitan Flood Control District
 - * RESOLUTION –426th amendment to the MFS Resolution No. 80-420 to update drainage fees for the Fresno Metropolitan Flood Control District Action Taken:

3:30 P.M. Issues regarding construction of various buildings at Fresno/Clovis Regional Wastewater Reclamation Facility - General Services Dept./Dept. of Public Utilities

Action Taken:

- **a. HEARING** on request from Lewis C. Nelson and Sons, Inc. for substitution of a subcontractor *Action Taken:*
- b. * RESOLUTION 40th amendment to AAR No. 2004-209 appropriating \$1,370,000 to fund the construction of administration, maintenance shops/warehouse buildings at Fresno/Clovis Regional Wastewater Reclamation Facility (*Requires 5 affirmative votes*)
 Action Taken:
- c. * Award a contract in the amount of \$8,070,000 for the base bid, to Lewis C. Nelson and Sons, Inc. of Selma, CA for construction of administration, maintenance shops/warehouse buildings at Fresno/Clovis Regional Wastewater Reclamation Facility

 **Action Taken:*

SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	7 -	9:45 A.M.	HEARING re: Resolution of necessity for public street purposes located on Elm
Dec.	7 -	10:00 A.M.	Avenue, between Jensen and North Avenues HEARING re: Text Amendment No. TA-03-02, second dwelling in single-family zone districts
Dec.	7 -	10:15 A.M.	HEARING re: vacation of a portion of Marks Avenue south of Freeway 99
Dec.	7 -	10:30 A.M.	WORKSHOP and direction re: Cal Trans/City partnership – Public Works Dept. and Planning and Development Dept.
Dec.	7 -	3:00 P.M.	RESOLUTION amending the MFS – Fire Inspection Fees
Dec.	7 -	5:00 P.M.	HEARING re: Fresno 40, Plan Amendment No. A-00-23 and Rezone Appl. No. R-00-52, filed by Dwayne Zinkin
Dec.	14 -	10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 84, Final Tract Map No. 5247
Dec.	14 -	10:05 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 85, Parcel Map No. 03-24
Dec.	14 -	10:10 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 86, Final Tract Map No. 5265
Dec.	14 -	10:30 A.M.	HEARING re: Resolution of necessity for public street purposes at the intersection of First and Tulare Streets
Dec.	14 -	2:30 P.M.	CONTINUED JOINT HEARING re: adoption of Redevelopment Implementation Plans
Dec.	14 -	4:30 P.M.	CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises

Dec. 21 - NO MEETING - CHRISTMAS WEEK Dec. 28 - NO MEETING - NEW YEAR'S WEEK

Jan. 11 - 10:00 A.M. HEARING re: formation of Community Facilities District No. 10

(Future workshops – dates to be determined)

WORKSHOP re: SEMS